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INFORMATION MEMORANDUM

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S/S

TO: The Deputy Secretary

THROUGH: G - Mr. Wirth

FROM: DRL - John Shattuck *JS*

SUBJECT: Rwanda: The Quest for Justice

May 17-20 Trip to Rwanda: My three-day visit to Rwanda May 17-20 focused on means of addressing crimes of genocide that were committed last year and plans for rebuilding the shattered Rwandan justice system. I had extensive discussions with Rwandan Government leaders (President Bizimungu, Vice President Kagame, Prime Minister Twagiramungu, Justice Minister Nkubito), UN officials (SYG Special Representative Khan, UN Human Rights Field Office Director Clarence, UN Human Rights Center Program Director Howland), the Chief Prosecutor of the International War Crimes Tribunal (Justice Goldstone), ICRC and NGO representatives, and officials from other donor countries (Netherlands, Belgium, Germany, Canada, France, Japan, Norway, Sweden, Switzerland, Spain, UK). I also visited the Kigali Prison and spoke at length with prison officials, and I travelled extensively in Kigali to observe the conditions of the city.

Two developments occurred during my visit that highlight my conclusion that Rwanda is at a crucial turning point in its quest for justice. Because of the terrible legacy of genocide and the cloud of fear, mistrust and collective guilt that hangs over the country and the refugee camps, Rwanda is not likely to be able to proceed further toward national reconciliation until it makes significant progress on the burning issue of justice. The significance of last week's events as confidence-building measures in the quest for justice was emphasized by many of my interlocutors, and the role of the United States in both developments was crucial.

First, the Rwanda government earned some badly needed respect from skeptical donor countries by endorsing the conclusions of the independent commission it had established at our urging last month to investigate the mass killings at the displaced persons camp at Kibeho. Among the wide-ranging conclusions of the Commission's May 18 report was a finding that Rwandan troops had violated international humanitarian law by firing on unarmed civilians, and a recommendation that "individual responsibilities

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be assessed" by the Rwandan military. The report also concluded that the killings were not the result of any preconceived plan or military order. In his meeting with me, Vice President Kagame reiterated the government's commitment to punish soldiers who commit crimes.

The second development was a successful 20-nation pledging conference of the Rwandan Operational Support Group that we helped organize in Kigali on May 19. The conference raised sufficient funds and personnel (\$7.8 million and 33 investigators and prosecutors, with additional commitments likely in the near term) to support the beginning of full-scale operations by the International War Crimes Tribunal for Rwanda. The conference also produced a surprising number of significant commitments by donor countries willing to follow our lead in providing assistance to help Rwanda rebuild its national justice system.

It was clear from my meetings with the government leaders that the U.S. is increasingly regarded by Rwanda as its most reliable and supportive international partner, particularly since we did not suspend our bilateral assistance after the events at Kibeho. Because of our growing leverage with the government, it is essential that we continue to exercise leadership on justice issues so that the favorable developments of last week can be translated into genuine progress on the ground.

The most urgent problems to be addressed in the short term are the horrendous conditions and gross overcrowding of the Rwandan prisons. The Kigali prison, which I visited, looks like Dante's Inferno, with nearly 10,000 prisoners crammed into a primitive structure built sixty years ago to hold a maximum of 2,000 prisoners. A portion of our package of justice assistance that I announced during my trip will be used to support the implementation of measures proposed by the ICRC and agreed to in principle by the Rwandan Government to improve prison conditions and reduce overcrowding. In addition, we must work with the government to seek implementation of other measures to address short and medium-term justice problems, such as the lack of transparent procedures and criteria for arrests, the processing of cases of persons arrested, the release of individuals where there is no evidence of criminal conduct, stepped-up processing of cases through "triage commissions," the appointment and training of magistrates and the conduct of trials. In my talks the government agreed that it needs to address these issues, and it welcomes our support.

In addition to addressing systemic justice problems, the Rwandan government believes that it must develop a short-term non-judicial mechanism to deal with the legacy of genocide, and it is exploring the creation of a national commission of inquiry, or truth commission, to document and publicize the instigation, leadership and scope of the killings. We are likely to be asked to support such a commission, and it is essential that we conduct a close and continuing dialogue with the government about it.

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